



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI
1600 PATTERSON, SUITE 1100
DALLAS, TEXAS 75201

PROPOSED
PERMIT

Permit No. 730D002B

Name of Permittee E. I. DuPont de Nemours & Company

Effective Date February 13, 1974

Expiration Date December 1, 1974

MARINE PROTECTION, RESEARCH AND
SANCTUARIES ACT (OCEAN DUMPING) PERMIT

In reference to the following application:

Application Number: 730D002B

for an interim permit authorizing the transportation and dumping of any material in compliance with the provisions of the Act of Congress enacted October 23, 1972, entitled The Marine Protection, Research and Sanctuaries Act of 1972, (hereinafter referred to as the Act),

E. I. DuPont de Nemours & Company, Beaumont Works,

hereinafter called permittee, is authorized to transport material for dumping from its facility at

P. O. Box 3269

Beaumont, Texas 77704

and to dump to ocean waters, all in accordance with the following general and special conditions:

General Conditions

1. All transportation and dumping authorized herein shall be consistent with the terms and conditions of this permit.

2. a. Transportation to, and dumping at any location other than that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

b. Transportation and dumping of any material more frequently than or in excess of that identified and authorized by this permit, or dumping of material not authorized by this permit, shall constitute a violation of the terms and conditions of this permit.

c. Permittee shall comply with each and every condition, provision and limitation in this permit and compliance with one or more but less than all conditions, provisions and limitations shall not constitute a ground or grounds of defense in any proceeding against permittee for violation of one or more of such conditions, provisions or limitations.

3. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

a. Violation of any term or condition of this permit;

b. Misrepresentation, inaccuracy or failure by the applicant to disclose all relevant facts in the permit application.

c. A change in any condition or material fact upon which this permit is based that requires either a temporary or permanent reduction or elimination of the authorized transportation or dumping including, but not limited to, changes in conditions at the designated dumping site, and newly discovered scientific data relative to the granting of this permit.

d. A determination by the Regional Administrator that the permitted dumping has resulted, is resulting or may result in imminent and substantial harm to human health or welfare or the marine environment.

e. Failure to keep the records and/or to notify appropriate officials of dumping activities.

4. The permittee shall allow the Regional Administrator and/or the U. S. Coast Guard, and/or their authorized representatives, upon the presentation of credentials:

a. To enter into, upon, or through the permittee's premises, vessels or other premises or vessels under the control of permittee, where, or in which, a source of material to be dumped is located or in which any records are required to be kept under the terms and conditions of this permit or the Act;

b. To have access to and copy any records required to be kept under the terms and conditions of this permit or the Act;

c. To inspect any monitoring equipment or monitoring method required in this permit; or,

d. To sample any materials discharged or to be discharged.

5. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private or public property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

6. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or, except as authorized by this permit, the undertaking of any work in any navigable waters.

7. Within 48 hours of the completion of each barging operation, permittee shall forward by depositing in the United States mail to the Regional Administrator a report which shall be verified in accordance with the provisions of 18 U.S.C. 1001, by a responsible officer or employee of Permittee, which report shall contain as a minimum, the following:

a. The total amount of material dumped and the amounts, in parts per million and poundage, of each constituent thereof. The content of the constituent shall be verified by an analysis of the material dumped which shall be performed prior to such dumping operation. Records of such analyses shall be included with such report.

b. A statement of the local time at which each barging operation was commenced, the latitude and longitude of the place where each barging operation was commenced, and the local time and the latitude and longitude of the place where each barging operation ceased, as well as the latitude and longitude of the mid point of the course made good if such barging operation extended over a period of six hours.

c. The time, date and point of actual departure and return for each barging operation.

d. Fathometer records of the entire run during which barging operations or dumping operations were taking place shall be submitted.

e. A negative report of a cancelled or changed dump, if, for any reason, a numbered barge trip for which notice is required by General Condition No. 8, is not made or the timing is changed.

8. Permittee shall notify by telegram the U. S. Coast Guard (local Captain of the Port) and the Regional Administrator not later than 12 hours prior to the departure from permittee's facility of any tug or vessel which is to depart to sea for a barging operation. Included in such notification shall be:

a. A sequential numbering system for the barge trips authorized by this permit. All communications relative to each barge trip shall reflect the number designated.

b. A statement of the amount of materials to be dumped.

c. A chemical description, as determined by chemical analysis, of the constituents listed in Special Condition No. 1, excepting the metals.

d. The names and registry numbers of the tug and barge scheduled for departure, and

e. The estimated time of arrival at the dump site and the estimated time of return to port and the port of return.

Such notice shall be received by the Regional Administrator 12 hours in advance of departure or at such time greater than 12 hours to allow receipt by the Regional Administrator during normal working hours. If permittee anticipates a weekend or holiday dump, he shall notify the Regional Administrator the working day prior to the weekend or holiday and a duty official will be assigned by EPA for receiving the report. In the event the metals analysis exhibits concentrations in violation of the limitations of this permit, permittee shall cause the master of the vessel to not discharge and return to port.

9. The permittee shall maintain complete records, which shall be available for inspection and copying by the Administrator, the Regional Administrator, or their designees, of:

a. The nature, including a complete description of relevant physical characteristics of material dumped pursuant to the permit.

b. The precise times and locations of dumping.

c. Any information relevant to the assessment of the impact of permitted dumping activities on the marine environment or human health or welfare.

10. The permittee shall, at the end of each six month period, beginning on June 1, 1974, make a report to the Regional Administrator of the following information:

a. Information in the records to be kept pursuant to Paragraph 9 of the General Conditions,

b. A summary of the 48-hour reports required by Paragraph 7 of the General Conditions,

c. Any additional records or reports required in the Special Conditions of this permit, and

d. An analysis of all metals listed in 227.31(b)(1) of the ocean dumping final regulations and criteria (40C.F.R.227.31), excluding those reported under Special Condition 1.a. of herein permit, from a composite sampling from each barging operation.

11. The permittee shall make an additional report in accordance with the requirements of Paragraph 10 of the General Conditions at the expiration of this permit.

12. Reports required by Paragraphs 10 and 11 of the General Conditions shall be received by the Regional Administrator within 30 days following the end of the required reporting period.

13. If the dumping of material which is regulated by this permit is dumped due to emergency to safeguard life at sea in locations or in a manner not in accordance with the terms of this permit, the permittee shall make a full report in accordance with the provisions of 18 U.S.C. 1001, within 30 days to the Regional Administrator of the emergency and the actions taken.

14. The reporting requirements contained in this permit are in addition to any reporting requirements of any other State or Federal Agency.

15. In the event any portion of the authorized dumping or transporting is done by a person, firm or corporation other than the named permittee, any and all reports required hereunder shall be jointly executed by both permittee and such other person, firm or corporation in accordance with the provisions of 18 U.S.C. 1001 by an officer or employee of such other person, firm or corporation.

16. The performance of any transportation or dumping authorized by this permit, by any person, firm or corporation other than the named permittee shall not relieve permittee from full responsibility for compliance herewith, nor shall the issuance of this permit to permittee relieve such other person, firm or corporation from responsibility for

compliance herewith, nor shall the existence of any such contractual or other relationship between permittee and any other such person, firm or corporation operate to relieve either party from responsibility for compliance with this permit or the Act or both.

17. Terms used in this permit which are defined in Section 3 of the Act shall have the same meaning herein.

Special Conditions

1. Description of Material

In accordance with all other terms and conditions of this permit, the permittee is authorized to transport for dumping and to dump in ocean waters, material which shall not exceed in its physical and chemical characteristics the concentrations and loads listed below.

a. <u>Composition</u> <u>Constituents</u>	<u>Concentrations (wt/wt)</u> <u>Not to Exceed</u>
HCN	300ppm
Sulfates, as $(\text{NH}_4)_2 \text{SO}_4$	10,500ppm
Dinitrophenol	600ppm
Benzene	800ppm
Nitrobenzene	900ppm
Aniline	5,500ppm
<u>Metals</u>	
Cadmium	0.013
Mercury	0.022
b. <u>Physical/Chemical Properties</u>	
pH	8.2 - 10.4
Total Residue	36,800
TOC	11,100
Specific Gravity	1.00 - 1.10

c. The character of the material being dumped shall not be altered in its content from the foregoing by the addition of wastewaters from sources other than those identified in the application or otherwise.

2. Amount of Material

a. The permittee is authorized to transport and dump material described in Paragraph 1 an amount not in excess of 267,580 tons under this permit.

b. The permittee is authorized to transport and dump in accordance with the following limitations:

<u>Months-1974</u>	<u>Allowable Tons/Quarter</u>	<u>Allowable Tons/Month</u>
February	-	29,900
Mar. - May	84,340	36,550
Jun. - Aug.	69,000	29,900
Sep. - Nov.	84,340	36,550

c. No trip shall be in excess of 4800 tons.

3. Transportation and Barging Activities

a. The port of departure for the dumping of the material described herein is Beaumont, Texas, or such other port or terminal being used for storage of the accumulated waste subject to the provisions of General Condition No. 8. The permittee is authorized to transport the material described herein from his facility to such port of departure to ocean waters.

b. During loading operations, there shall be no loss of material to any waterway.

c. The permittee is authorized to dump the prescribed wastes in an approved dumping site which is defined in longitude and latitude as follows:

- (1) 27 degrees 12 minutes north latitude
- (2) 27 degrees 28 minutes north latitude
- (3) 94 degrees 28 minutes west longitude
- (4) 94 degrees 44 minutes west longitude

d. Permittee shall commence dumping operations (the actual discharge of material authorized to be dumped by this permit) no earlier than 1/2 hours after sunrise and shall cease dumping operations not later than 1/2 hours prior to sunset on any day in which dumping operations take place.

e. Permittee shall navigate around, by a radius of 15 miles, the coral reefs found at the following coordinates:

W. Flower Garden: 27 degrees 53 minutes north latitude

93 degrees 48 minutes west longitude

E. Flower Garden: 27 degrees 55 minutes north latitude

93 degrees 36 minutes west longitude

f. The permittee shall regulate the dumping rate so that the material described in Special Condition 1, above, shall be discharged from a barge hereinafter identified at a rate not to exceed 7000 pounds per minute, while moving at a speed of not less than 5 knots.

g. The permittee shall discharge through an underwater dispersion nozzle at a depth of not less than ten feet.

4. Means of Transportation

a. The means of transportation shall be one of the following named vessels:

<u>Company</u>	<u>Barge</u>	<u>Capacity</u>
Port Arthur Towing Company	PATCO - 100	4800 tons
Port Arthur Towing Company	Triton	4800 tons
DuPont, Lessee	H. L. Jacobs	2000 tons
Domar, Inc.	Z - 110	1400 tons
Domar, Inc.	Z - 120	2400 tons
Domar, Inc.	Z - 122	2400 tons
Domar, Inc.	2502	3000 tons

b. The permittee shall place this permit or a copy of this permit in a conspicuous place in the vessel which will be used for the transportation or dumping herein authorized.

5. Implementation Schedules

a. Permittee shall initiate the plans necessary to provide best practicable treatment technology to the wastes herein described and shall cease dumping wastes in the ocean by July 1, 1977, in accordance with 40C.F.R.227.4.

b. Permittee shall achieve partial compliance with (a) above in accordance with the following schedule:

- (1) Progress report on elimination of aniline-nitrobenzene aqueous waste stream

June 1, 1974

- (2) Completion of final plans for (1) above

November 1, 1974

c. Permittee shall submit the required report of progress to the Regional Administrator on the date specified for the report. Where an action is required in (b) above by a certain date, a written notice of compliance or noncompliance shall be submitted within 15 days following each elapsed date. Each notice of noncompliance shall include:

(1) a description of the noncompliance and an explanation for the noncompliance;

(2) a description of any actions taken or proposed by the permittee to comply with the requirement; and

(3) a date for the attainment of the requirement plus an assessment of the probability that permittee will meet the next requirement on time.

6. Studies

The permittee shall immediately initiate studies to determine the following:

a. The fate and characteristics of the waste as they relate to the effect of the thermocline on the downward dispersion after discharge.

b. The statistical correlation between TOC (total organic carbon) and TOD (total oxygen demand) of the waste.

c. The solubility of the wastes in sea water.

d. The studies required by a, b, and c above shall be submitted within 120 days from the effective date of this permit.

7. Remote Activation

Permittee shall, within sixty (60) days of the effective date of this permit, install remote-activated pumps on his transportation facilities in order to be in compliance with Special Condition No. 3.f. in relation to speed of the vessel while discharging any material.

Date

Arthur W. Busch
Regional Administrator
Region VI